

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

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FILED
U.S. DISTRICT COURT
N.D. OF ALABAMA

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ALABAMA and PAUL
W. BRYANT JR.,

Plaintiffs,

v.

HOUNDSTOOTH MAFIA ENTERPRISES,
LLC, WILLIAM PITTS JR. and
CHRISTOPHER BLACKBURN,

Defendants.

CV-13-B-1736-W

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs Board of Trustees of The University of Alabama (the “University”) and Paul W. Bryant Jr. (“Bryant Jr.”) (collectively, “Plaintiffs”) state the following for their Complaint against Houndstooth Mafia Enterprises, LLC, William Pitts Jr. and Christopher Blackburn (collectively, “Defendants”):

NATURE OF THE ACTION

1. Coach Paul “Bear” Bryant is a legendary coach in college football and is well known for his decades of coaching football at the University. While on the sidelines of the University’s football field, Coach Bryant always wore his signature houndstooth-pattern hat and, as a result of such longstanding use, the houndstooth pattern has become a well-known identifier for Coach Bryant and the University (the “Houndstooth Pattern Mark”). For more than a century, the University also has used its crimson-and-white color mark in connection with a broad range of educational and entertainment services ranging from athletic teams’ uniforms to

buildings on campus. As a result, the crimson-and-white color mark is a strong source identifier for the University (the “Crimson-and-White Color Mark”).

2. Defendants are avid fans of Coach Bryant and the University, and frequently attend football games. In or around 2007, Defendants began offering for sale and selling unlicensed merchandise that incorporates the Houndstooth Pattern Mark, the Crimson-and-White Color Mark, and other source-identifying indicia associated with the University, an example of which is shown below:

Plaintiffs’ Licensed Shirt



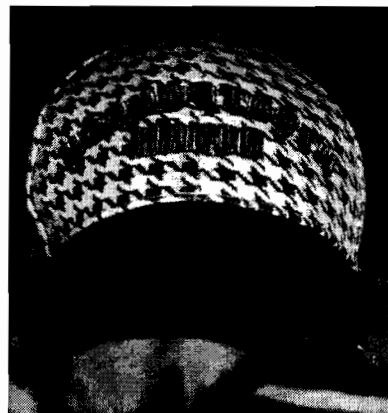
Defendants’ Shirt



Plaintiffs’ Licensed Hat



Defendants’ Hat



3. Defendants use Houndstooth Pattern Mark and Crimson-and-White Color Marks

in combination with other phrases, terminology, and information in a way calculated to create the impression that Defendants' merchandise is licensed or sponsored by or otherwise affiliated with Coach Bryant and the University. Plaintiffs bring this action to stop Defendants from trading on the enormous goodwill associated with Coach Bryant and the University and from passing off Defendants' goods as those sold or licensed by Plaintiffs. Defendants' misconduct is likely to cause confusion and to deceive consumers and the public and will continue to do so absent relief from this Court.

4. This is an action at law and in equity for trademark infringement and unfair competition arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051 *et seq.* (2009) (the "Lanham Act"); trademark dilution under Alabama law, ALA Code §8-12-17; and trademark infringement under the common law.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under section 29 of the Lanham Act, 15 U.S.C. § 1121, and under 28 U.S.C. §§ 1331 and 1338. This Court has jurisdiction over Plaintiffs' related state and common law claims pursuant to 28 U.S.C. §§ 1338 and 1367.

6. This Court has personal jurisdiction over Defendants because, on information and belief, Defendants reside within this State, transact business within this State, contract to supply goods or services in this State, have committed tortious acts and inflicted injury in this District, have directed their tortious conduct at this State, and/or have otherwise established contacts in this State making the exercise of personal jurisdiction proper.

7. This District is a proper venue under 28 U.S.C. § 1391(b)(1) and (2) because a substantial part of the events giving rise to this action occurred in this District, including Defendants' sale of merchandise at issue in Tuscaloosa, Alabama.

THE PARTIES

8. Plaintiff Board of Trustees of The University of Alabama is a public corporation located at 401 Queen City Avenue, Tuscaloosa, Alabama 35401.

9. Plaintiff Paul W. Bryant, Jr. is an individual with an address located 1550 McFarland Blvd. North, Tuscaloosa, Alabama 35406. Coach Bryant died in 1983, and Bryant Jr. is Coach Bryant's heir and the successor-in-interest to the rights Coach Bryant had in his name, likeness, image, and trademarks, including the Houndstooth Pattern Mark.

10. On information and belief, Defendant Houndstooth Mafia Enterprise LLC ("HTME"), is a Georgia corporation with its principal place of business at 485 Lee Road 581, Smiths Station, Alabama 36867.

11. On information and belief, Defendant Christopher Blackburn ("Blackburn") is an individual residing at 6995 Oakwood Way, Columbus, Georgia 31904. Defendant Blackburn has transacted business in this State and this District. Specifically, while in Alabama, Defendant Blackburn has distributed and/or sold apparel bearing the Houndstooth Pattern Mark, the Crimson-and-White Color Mark, and the phrase "Houndstooth Mafia." Further on information and belief, Blackburn directed, controlled, participated in, engaged in, performed, authorized, approved, ratified, actively and knowingly caused, and was the moving, active, conscious force behind the acts forming the basis of this Complaint.

12. On information and belief, Defendant William Pitts Jr. ("Pitts") is an individual residing at 686 Lee Road 439, Salem Alabama 36874. Defendant Pitts has transacted business in this State and this District. Specifically, while in Alabama, Defendant Pitts has distributed and/or sold apparel bearing the Houndstooth Pattern Mark, the Crimson-and-White Color Mark, and the phrase "Houndstooth Mafia." Further on information and belief, Blackburn directed,

controlled, participated in, engaged in, performed, authorized, approved, ratified, actively and knowingly caused, and was the moving, active, conscious force behind the acts forming the basis of this Complaint.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. The Well-Known Houndstooth Pattern Mark

13. The University, which is governed by the Board of Trustees, was founded in 1831, and was the State of Alabama's first university. For the past five years, the University has been named one of the nation's top 50 public universities by *U.S. News & World Report*. The University's immediate economic impact on the State of Alabama measures approximately \$1.7 billion each year.

14. Coach Bryant was the University's famous football coach from 1958 to 1982. Coach Bryant was national coach of the year three times and SEC coach of the year eight times. Coach Bryant coached six national championship teams and led the University to thirteen SEC championships. In 1982, Coach Bryant retired from coaching with more than 300 wins.

15. On the sidelines of University games, Coach Bryant frequently wore a houndstooth-patterned or a similarly checkered-patterned hat, as depicted below:





16. The University's football teams' games regularly were televised nationwide, exposing millions of viewers to Coach Bryant and his signature houndstooth-pattern hat.

17. Coach Bryant's signature houndstooth-patterned hat is an instantly recognizable symbol associated with Coach Bryant and the University. Over the past twenty years, the media repeatedly has made reference to the houndstooth pattern as a shorthand reference to Coach Bryant and to the University. For example:

- "Alabama (6-0, 3-0 SEC) ranked No. 2 in the polls and playing the kind of physical, bloody-your-nose football the guy in the houndstooth hat would have loved." Chris Low, *SEC Midseason Review*, ESPN.com, October 15, 2008, located at <http://myespn.go.com/blogs/secconf/0-1-625/SEC-midseason-overview.html>.
- "Wrote Chris Low on ESPN.com: 'Munson was a homer all right, but he was also a treasure. I equate his voice with southern football much the same way as I do Bear Bryant's houndstooth hat, Howard's Rock and Tiger Stadium on a Saturday night.'" Ron Bellamy, *Going 0-fer vs. MWC?*, The Register Guard, September 26, 2008.
- "The 12-year-old wore a houndstooth hat - à la University of Alabama football coach Bear Bryant - when he accepted the savings bond on Tuesday. 'There's no doubt he wants to go to Alabama,' his mother said." Niki Doyle, *Freeman Children Get Savings Bond*, Huntsville Times, September 17, 2008.
- "The Houndstooth hat most famously worn by legendary coach Paul 'Bear' Bryant, has always loomed large at Alabama. Never quite this large." Charles Goldberg, *College Beat*, Birmingham News, August 28, 2008 (Sports).


18. In 1975, the University's football stadium was renamed from Denny Stadium to Bryant-Denny Stadium and a statue depicting Coach Bryant wearing his signature houndstooth-patterned hat was placed outside the stadium.



19. In addition, the University has operated the Paul W. Bryant Museum (the "Museum") since 1985 in honor of Coach Bryant. The Museum exhibits artifacts and memorabilia that trace the long history of University of Alabama football. Among other prominent displays involving Coach Bryant, a special video production chronicles and highlights his amazing career. The Museum has long used the houndstooth-patterned hat image as a prominent component of its trademark, as depicted below, which is used in connection with museum services and apparel:



(the "Museum Logo"). The Museum is funded in part by the royalties generated from the University's licensing program.

20. The University has obtained the following Alabama trademark registrations covering the Museum Logo:

Mark	Reg. Date	Goods/Services
	July 16, 1992	Class 25: Clothing

	July 16, 1992	Class 41: Education and entertainment
	July 16, 1992	Class 16: Printed materials

Copies from the Alabama Secretary of State's website reflecting the State of Alabama trademark registrations for the mark are attached as **Exhibit 1**.

21. Coach Bryant's legacy has expanded the bounds of the University and long past his lifetime. Indeed, in 1997, Coach Bryant was honored by the U.S. Postal Service with a commemorative stamp featuring a photo of Coach Bryant in his houndstooth-pattern hat:



22. With the permission of the Bryant estate, the University has been using the Houndstooth Pattern Mark in connection with educational and athletic services, including in connection with the Museum Logo for almost a half century.

23. In particular, the University's football team has frequently used the Houndstooth Pattern Mark to pay tribute to Coach Bryant. The University first displayed the Houndstooth Pattern Mark on helmet stickers in 1983. In 2006 and 2010, the University's football team wore

commemorative jerseys featuring the Houndstooth Pattern Mark during its games against the University of Mississippi, as depicted below.

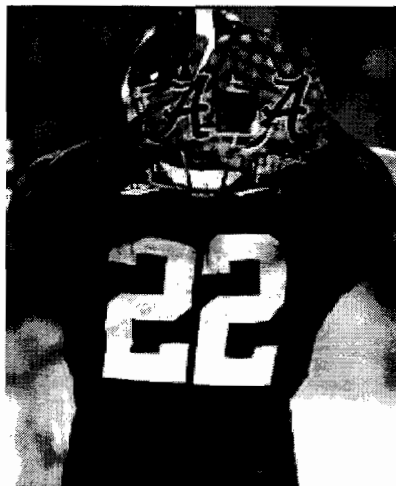
2006 Jersey



2010 Jersey



24. In addition, in the 2009 BCS Sugar Bowl game, the University's football team wore gloves bearing the Houndstooth Pattern Mark:



25. The University's other athletic teams also incorporate the Houndstooth Pattern Mark into its uniforms. For example, the women's tennis team often wears hats featuring the Houndstooth Pattern Mark when participating in matches:



26. Beyond athletics, the University has frequently and widely used the Houndstooth Pattern Mark in yearbooks, printed publications, and on promotional materials.

27. The University also has authorized use of the Houndstooth Pattern Mark in connection with its licensing program. Indeed, as a result of the popularity of the commemorative 2006 football jerseys bearing the Houndstooth Pattern Mark, the University licensed a retail version of the jersey for sale to the general public. Additional examples of University's licensed apparel products bearing the Houndstooth Pattern Mark are depicted below:




B. The Famous Crimson-and-White Color Scheme


28. Well over a century ago, the University adopted the unique and distinctive Crimson-and-White Color Mark. Since it was adopted, the University has used the Crimson-and-White Color Mark in connection with various facets of the University, from academics to athletics. The University's printed materials, including brochures, fundraising mailers, journals and magazines, and the University's website use the Crimson-and-White Mark. There are even buildings on campus at the University that feature the Crimson-and-White Mark.

29. The University's Crimson-and-White color Mark is so well known that for more than 110 years the University's athletic teams have been known by nicknames that refer directly to the mark, including the "Crimson Tide," the "Thin Red Line," and the "Red Elephants."

30. As a result of the University's stellar academic reputation and athletic success, millions of people are exposed to the Crimson-and-White Mark through campus visits, promotional materials, advertising, and regional and nationally televised athletic games.

31. In addition to its widespread use, the University owns the following federal registrations of its well-known helmet design that feature the Crimson-and-White Mark:

Mark	Reg. No.	Filed/Registered	Goods/Services (date of first use)
	4,030,682	May 19, 2010/ Sept. 27, 2011	Class 9: Sports helmets (1984) Class 41: Entertainment and educational services, namely, providing courses of instruction at the university level; educational research; arranging and conducting athletic competitions, events, tournaments, and exhibitions (1961)

	3,955,150	May 19, 2010/ May 3, 2011	Class 16: Paper articles, namely, athletic programs, event programs, media guides, press guides, school yearbooks, posters, athletic schedules, game tickets; brochures, newsletters, magazines, and pamphlets in the field of topics of general interest to university students, fans, and alumni (1961)
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True and correct copies of the certificates of registration for Reg. Nos. 4.030,682 and 3,955,150 are attached as **Exhibit 2**.

32. Since at least as early as 1984, the University has licensed its Crimson-and-White Color Mark in connection with apparel, prints, posters, cups, mugs, calendars, books, and other products. In the past five years alone, retail sales of University-related merchandise, most of which bears the Crimson-and-White Mark, has exceeded \$330 million dollars.

C. The Houndstooth Pattern Mark and Crimson-and-White Color Mark

33. The University and its licensees extensively and continuously used and promoted the Crimson-and-White Color Mark long before the activities of Defendants outlined in this Complaint. Similarly Plaintiffs extensively and continuously have used and promoted their Houndstooth Pattern Mark long before the activities of Defendants outlined in this Complaint. As a result of this longstanding use and promotion of the marks, the Houndstooth Pattern Mark and Crimson-and-White Color Mark have achieved secondary meaning among relevant consumers, in that the marks serve as a source-identifying trademark in certain contexts and circumstances, such as on merchandise that makes reference to Coach Bryant, the University, or the University's geographic location.

34. The Houndstooth Pattern Mark and Crimson-and-White Color Mark have been used in interstate commerce and have achieved significant fame and public recognition,

especially when appearing in connection with athletic teams and events and related apparel items. Because of their widespread use in connection with Plaintiffs' activities and merchandise, the Houndstooth Pattern Mark and Crimson-and-White Color Mark have tremendous power as source identifiers and are famous and well known in the State of Alabama and this District.

D. Defendants' Unlawful Activities

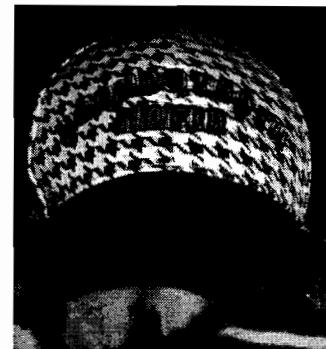
35. Defendants are avid fans of the University of Alabama, its football team, and Coach Bryant, and Defendants regularly attend football games at Bryant-Denny Stadium.

36. On information and belief, in or around September 2007, Defendants adopted the mark HOUNDSTOOTH MAFIA and shortly thereafter began designing, manufacturing, advertising, offering for sale, and selling products bearing the HOUNDSTOOTH MAFIA mark (the "Infringing Merchandise"), as shown below:

Defendants' T-Shirt



Defendants' Hat



37. In addition to incorporating Plaintiffs' Houndstooth Pattern Mark and Crimson-and-White Color Mark, many of the Infringing Merchandise features references to the University, including the geographic area in which the University is located, as shown in the example below:

Back of Defendants' T-Shirt



38. Defendants' unlicensed products are not manufactured by Plaintiffs, nor are they licensed authorized, sponsored, endorsed or approved by Plaintiffs.

39. The Houndstooth Pattern Mark and Crimson-and-White Color Mark were used extensively and continuously before Defendants designed, manufactured, advertised, offered for sale, or sold their Infringing Merchandise.

40. The Infringing Merchandise is similar to and competes with goods sold or licensed by Plaintiffs and is sold through the same channels of trade. Defendants sell their products at University events on or near the University, including immediately prior to, and on, game days. For example, Defendants have distributed and/or sold the Infringing Merchandise out of their car while tailgating with other fans before University football games in Tuscaloosa.

41. Defendants' advertisements and promotional efforts exacerbate the likelihood that consumers will be confused by their unlicensed and unauthorized merchandise. For example, Defendants' advertisements for the Infringing Merchandise refer to the University's Crimson-and-White Color Mark, to the University's nicknames, and the location of the University, as shown in the example on the following page:

Sport:	College-NCAA	Size:	--
Team:	Alabama	Gender:	--
Product:	Shirts	Condition:	New

Houndstooth Mafia is Here !!!!!

Here is your chance to get your hands on the original "HOUNDSTOOTH MAFIA" crimson t-shirt that is sweeping T-Town!!

100% pre-shrunk cotton short sleeved crimson t-shirts boldly screenprinted with HOUNDSTOOTH MAFIA on full front & Tuscaloosa Alabama on the back. Adult sizes are available in small - medium - large - extra large - 2x large - 3x large (please specify size when ordering) Add 1.00 for 2xlarge - add 2.00 for 3xlarge

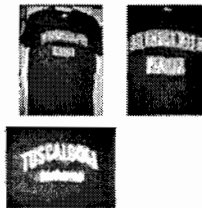
Show support for your favorite team while its *HIGH TIDE* season !!!!!

Makes excellent GameDay shirt !!!!!

Please check other auctions for more "HOUNDSTOOTH MAFIA" gear !!!!!

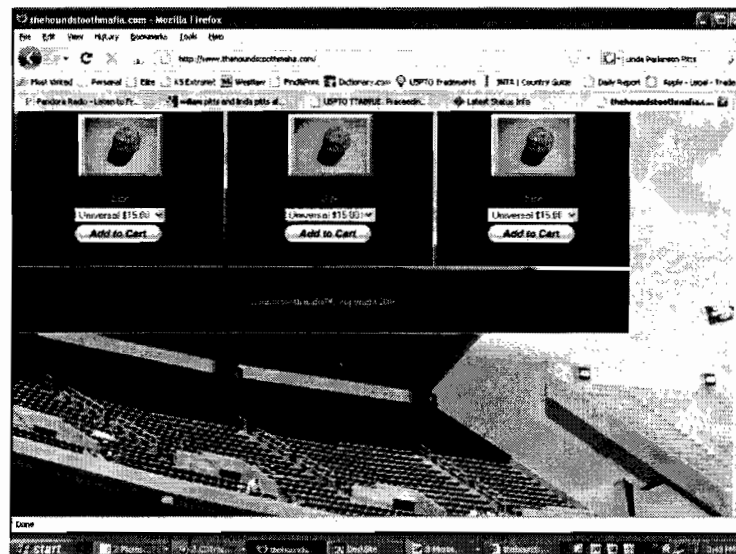
Shipping is 5.00 Flat Rate for ANY amount of items ordered !!!!!

Select a picture




42. For a time, Defendants owned and operated a retail website

HoundstoothMafia.com, which used the University's Crimson-and-White Color Mark and even used a photograph of Bryant-Denny Stadium as the background for the site, as depicted below:



43. Defendants have gone so far as to file the following applications with the U.S. Patent and Trademark Office ("USPTO") to register the HOUNDSTOOTH MAFIA mark:

MARK	SERIAL NO.	FILED	GOODS (claimed date of first use)
	77/342,852	Dec. 3, 2007	Class 25: shirts, hats (Sept. 1, 2007)
HOUNDSTOOTH MAFIA	86/022,067	July 29, 2013	Class 16: bumper stickers, magnetic bumper sticks, stickers, stickers and transfers (intent-to-use application)

Copies of the USPTO's records for Defendants' applications are attached as **Exhibit 3**.

44. Plaintiffs timely opposed application Serial No. 77/342,852 by filing a notice of opposition with the Trademark Trial and Appeal Board (the "Board"). The time to oppose application Serial No. 86/022,067 with the Board has not yet arrived.

45. The Board issued an opinion on July 23, 2013, in which the Board, *inter alia*, erroneously concluded that Defendants' application Serial No. 77/342,852 could proceed to registration despite Plaintiffs' objections and opposition thereto.

46. Defendants' HOUNDSTOOTH MAFIA mark and the Infringing Merchandise is likely to deceive, confuse, and mislead prospective purchasers and purchasers into believing that Defendants' Infringing Merchandise is licensed, produced or authorized by or in some manner associated with Plaintiffs. The likelihood of confusion, mistake, and deception engendered by Defendants' unlicensed and unauthorized use of Plaintiffs' marks is causing and will continue to cause irreparable harm to Plaintiffs.

47. Purchasers and prospective purchasers viewing Defendants' Infringing Merchandise and perceiving a defect, lack of quality, or any impropriety are likely to mistakenly attribute them to Plaintiffs. By causing such likelihood of confusion, mistake and deception, Defendants are inflicting irreparable harm to Plaintiffs' goodwill.

48. Defendants' unauthorized and unlicensed use of the Houndstooth Pattern Mark and Crimson-and-White Color Mark is calculated to trade on the valuable goodwill and commercial magnetism of Plaintiffs' reputations and identities in this District and elsewhere. Defendants also are attempting to pass off their merchandise as that of Plaintiffs or their licensees.

COUNT I
FEDERAL UNFAIR COMPETITION

49. Plaintiffs repeat and incorporate by reference the allegations contained in the preceding paragraphs.

50. Defendants' Infringing Merchandise has caused and is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Defendants' goods and services are manufactured or distributed by Plaintiffs, or are associated or connected with Plaintiffs or have the sponsorship, endorsement or approval of Plaintiffs.

51. Defendants have made false representations, false descriptions, and false designations of origin in violation of 15 U.S.C. § 1125(a), including, but not limited to, Defendants' commercial and merchandising use of the Houndstooth Pattern Mark and Crimson-and-White Color Mark, or confusingly similar imitations thereof. Defendants' activities have caused and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public and, additionally, injury to Plaintiffs' goodwill and reputation, as symbolized by the Houndstooth Pattern Mark and Crimson-and-White Color Mark, for which Plaintiffs have no adequate remedy at law.

52. Defendants' actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with the Houndstooth Pattern Mark and Crimson-and-White Color Mark to the great and irreparable injury of Plaintiffs.

53. Defendants' conduct has caused, and is likely to continue causing, substantial injury to the public and to Plaintiffs, and Plaintiffs are entitled to injunctive relief and impoundment and destruction of Defendants' infringing products and to recover actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1125(a), 1116 and 1117.

COUNT II
COMMON LAW TRADEMARK INFRINGEMENT
AND UNFAIR COMPETITION

54. Plaintiffs repeat and incorporate by reference the allegations contained in the preceding paragraphs.

55. Defendants' acts constitute common law trademark infringement and unfair competition under the laws of the State of Alabama, and have created and will continue to create a likelihood of confusion to the irreparable injury of Plaintiffs unless enjoined by this Court. Plaintiffs have no adequate remedy at law for this injury.

56. Plaintiffs obtained rights to the Houndstooth Pattern Mark and Crimson-and-White Color Mark prior to Defendants' actions stated in this Complaint.

57. On information and belief, Defendants acted with the full knowledge of Plaintiffs' use of and rights in the Houndstooth Pattern Mark and Crimson-and-White Color Mark, and without regard to the likelihood of confusion of the public created by Defendants' activities.

58. Defendants' conduct also constitutes unfair trade practices under the common law.

59. Defendants' actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with the Houndstooth Pattern Mark and Crimson-and-White Color Mark, and to mislead consumers, to the great and irreparable injury of Plaintiffs.

60. As a result of Defendants' acts, Plaintiffs have been damaged in an amount not as yet determined or ascertainable. At a minimum, however, Plaintiffs are entitled to injunctive relief, to an accounting of Defendants' profits, damages, and costs. Further, in light of the deliberately fraudulent and malicious use of the Houndstooth Pattern Mark and Crimson-and-White Color Mark, and the need to deter Defendants from similar conduct in the future, Plaintiffs are entitled to punitive damages.

COUNT III
TRADEMARK DILUTION UNDER ALABAMA STATE LAW

61. Plaintiffs repeat and incorporate by reference the allegations contained in the preceding paragraphs.

62. The Houndstooth Pattern Mark and Crimson-and-White Color Mark are distinctive, strong, well known and famous in this State and became so before Defendants' activities described in this Complaint.

63. Defendants are making unlicensed and unauthorized commercial use in commerce of the Houndstooth Pattern Mark and Crimson-and-White Color Mark, and Defendants' activities have caused and are causing injury to Plaintiffs' business reputation and dilution of the distinctive quality of the Houndstooth Pattern Mark and Crimson-and-White Color Mark. As a result of Defendants' acts, Plaintiffs have suffered and are likely to suffer irreparable injury to their business reputation and marks.

64. Defendants' acts constitute a violation of the Alabama anti-dilution statute, Alabama law, ALA Code §§ 8-12-17, and the Plaintiffs thus are entitled to injunctive relief.

COUNT IV
APPEAL OF THE JULY 23, 2013 BOARD OPINION AND DENIAL OF
REGISTRATION FOR HOUNDSTOOTH MAFIA & DESIGN

65. Plaintiffs repeat and incorporate by reference the allegations contained in the preceding paragraphs.

66. Plaintiffs timely filed a notice of opposition to Blackburn and Pitts's application Serial No. 77/342,852 to register the HOUNDSTOOTH MAFIA & Design mark.

67. Defendants Blackburn and Pitts's HOUNDSTOOTH MAFIA & Design mark incorporates Plaintiffs' Houndstooth Pattern Mark and is likely to cause confusion among relevant consumers. Registration of the HOUNDSTOOTH MAFIA & Design mark would, therefore, harm Plaintiffs.

68. On July 23, 2013, the Board erroneously dismissed Plaintiffs' opposition (the "Board Opinion").

69. Pursuant to 15 U.S.C. § 1071(b), Plaintiffs hereby institute a *de novo* appeal of the Board Opinion and this Court should vacate the Board Opinion.

70. Pursuant to 15 U.S.C. § 1119, the Court should order that the USPTO deny registration of the HOUNDSTOOTH MAFIA & Design mark reflected in application Serial No. 77/342,852.

COUNT V
DENIAL OF REGISTRATION FOR HOUNDSTOOTH MAFIA

71. Plaintiffs repeat and incorporate by reference the allegations contained in the preceding paragraphs.

72. Subsequent to the Board Opinion, Defendant Houndstooth Mafia Enterprises filed application Serial No. 86/022,067 to register HOUNDSTOOTH MAFIA with the USPTO.

73. The HOUNDSTOOTH MAFIA mark incorporates the name of Plaintiffs' Houndstooth Pattern Mark and is likely to cause confusion among relevant consumers. Registration of the HOUNDSTOOTH MAFIA mark would, therefore, harm Plaintiffs.

74. Pursuant to 15 U.S.C. § 1071(b), the Court should order that the USPTO deny registration of the HOUNDSTOOTH MAFIA mark reflected in application Serial No. 86/022,067.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that:

1. Defendants and all agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Defendants, or in concert or participation with Defendants, and each of them, be enjoined preliminarily and permanently, from:

- a. using the HOUNDSTOOTH MAFIA mark or any other copy, reproduction, or colorable imitation or simulation of the HOUNDSTOOTH MAFIA mark on or in connection with Defendants' goods or services, or the goods or services of any entity with which Christopher Blackburn or William Pitts Jr. is associated or affiliated;
- b. using any trademark, service mark, name, logo, design, device or source designation of any kind on or in connection with Defendants' goods or services, or the goods or services of any entity with which Christopher Blackburn or William Pitts Jr. is associated or affiliated, that is a copy, reproduction, colorable imitation, or simulation of, or confusingly similar to, or in any way similar to the trademarks, service marks, names, or logos of the Plaintiffs, including the Houndstooth Pattern Mark or Crimson-and-White Color Mark;

- c. using any trademark, service mark, name, logo, design, device or source designation of any kind on or in connection with Defendants' goods or services, or the goods or services of any entity with which Christopher Blackburn or William Pitts Jr. is associated or affiliated, that is likely to cause confusion, mistake, deception, or public misunderstanding that such goods or services are produced or provided by Plaintiffs, or are sponsored or authorized by or in any way connected or related to Plaintiffs;
- d. using any trademark, service mark, name, logo, design, device or source designation of any kind on or in connection with Defendants' goods or services, or the goods or services of any entity with which Christopher Blackburn or William Pitts Jr. is affiliated or associated, that dilutes or is likely to dilute the distinctiveness of the trademarks, service marks, names, or logos of Plaintiffs by eroding their exclusive identification with Plaintiffs or tarnishing their positive associations; and
- e. passing off, palming off, or assisting in passing off or palming off, Defendants' goods or services, or the goods or services of any entity with which Christopher Blackburn or William Pitts Jr. is affiliated or associated, as those of Plaintiffs, or otherwise continuing any and all acts of unfair competition as alleged in this Complaint.

2. Defendants be ordered to recall all merchandise found to infringe or violate Plaintiffs' rights which have been shipped by Defendants or under their authority, to any customer including, but not limited to, any wholesaler, distributor, retailer, consignor, or

marketer, and also to deliver to each customer a copy of this Court's order as it relates to said injunctive relief against Defendants;

3. Defendants be ordered to deliver up for impoundment and for destruction all products, bags, boxes, labels, tags, signs, packages, receptacles, advertising, sample books, promotional material, stationery or other materials in the possession, custody, or under the control of Defendants that are found to infringe, or to dilute any of Plaintiffs' trademarks or that otherwise unfairly compete with Plaintiffs and their products and services;

4. The Court vacate the Board Opinion;

5. The Court order the Director of the USPTO to deny registration of the HOUNDSTOOTH MAFIA & Design mark reflected in application Serial No. 77/342,852 and the HOUNDSTOOTH MAFIA mark reflected in application Serial No. 86/022,067;

6. Defendants be compelled to account to Plaintiffs for any and all profits derived by Defendants, and for all damages caused to Plaintiffs by the acts forming the basis of this Complaint;

7. Based on Defendants' intentional use of the Houndstooth Pattern Mark and Crimson-and-White Color Mark, Plaintiffs be awarded enhanced profits and treble and punitive damages;

8. Defendants be required to pay to Plaintiffs the costs of this action and their reasonable attorneys' fees;

9. Defendants be required to pay prejudgment interest on any profits, damages and attorneys' fees awarded;

10. Plaintiffs have such other and further relief as the Court may deem just.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs respectfully demand a trial by jury on all claims and issues so triable.

Dated: September 19, 2013.



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Attorneys for Plaintiffs

Exhibit 1

Beth Chapman
Secretary of State

P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

I, Beth Chapman, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

as appears on file and of record in this office, the page hereto attached contain a true, accurate and literal copy of **Certificate of Registration** for the mark, "*Paul W. Bryant Museum*" with sketch of Coach Bryant received and filed in the Secretary of State Office on December 6, 1988 under Registration Number 103-820 to The Board of Trustees of The University of Alabama.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

November 6, 2008

Date

Beth Chapman

Beth Chapman

Secretary of State

TO THE HONORABLE SECRETARY OF STATE:

BE IT KNOWN, That The Board of Trustees of The University of Alabama

(Name of applicant)

has heretofore adopted and used a certain Trademark or Service Mark and herewith files the same for record in the Office of the Secretary of State by leaving three facsimiles with said Secretary of State and by filing therewith this application.

(1) (a) The name of the Corporation (Indicate whether corporation, partnership or individual) so filing and the mark is The Board of Trustees of The University of Alabama whose complete address is: 401 Queen City Avenue

Tuscaloosa Alabama 35487 Tuscaloosa 205-348-5230
(City) (State) (Zip Code) (County) (Telephone)

(b) If a corporation, give the state where incorporated Alabama

(2) (a) The description of the goods or services in connection with which the mark is used is as follows: The Paul W. Bryant Museum on The University of Alabama campus, Tuscaloosa, Alabama which displays memorabilia of The University of Alabama football program from 1891 to present.

(b) The mode or manner in which the mark is used in connection with such goods or services is: Imprinted on brochures, books, newspapers, magazines, and prints advertising the Paul W. Bryant Museum.

(c) The class in which the goods or services described in 2(a) above is: #38 Prints and Publications
(number and goods or services: see reverse side for instructions)

(d) Said Mark is briefly described as follows: The words Paul W. Bryant Museum imprinted below a sketch of Coach Paul W. Bryant

(e) This Mark was first used anywhere on November 1, 1988 in Alabama
(date first used) (place: name of state or jurisdiction)

(f) This Mark was first used in Alabama on November 1, 1988
(date first used in Alabama) (date first registered in Alabama)

(3) Mailing address where certificate of registration is to be sent:

The University of Alabama
(Name)

P. O. Box 870130
(Street or P.O. Box)

Tuscaloosa Alabama 35487
(City) (State) (Zip Code)



(4) I have attached hereto three (3) specimens or facsimiles of the Mark.

(5) I have attached hereto my filing fee of thirty dollars (check or money order) payable to the Secretary of State.

(6) I am the owner of the Mark and no other person has the right to use such Trademark or Service Mark in Alabama either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

NOTE: This application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

Name and Title Robert A. Wright, Vice President Signature X Robert A. Wright
for Financial Affairs and Treasurer

COUNTY OF Tuscaloosa STATE Alabama

I, Robert A. Wright (Name) being first duly sworn, depose and say that

I am the applicant herein, and make this affidavit and verification and that I have read the above and foregoing application and know the contents thereof, and that the facts set out therein are true. I further depose and say that the three copies, counterparts or facsimiles filed herewith are true and correct.

Subscribed and sworn to before me this 23rd day of November, 1988.

X Robert A. Wright
(Signature)
Quita R. Dowling
(Notary Public's Signature)
MY COMMISSION EXPIRES 1/4/90

CERTIFICATION OF THE SECRETARY OF STATE

I, Glen Browder, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that I have this day caused the above application to be duly filed and the Mark registered in this office pursuant to Act No. 80-166, with specimen or facsimile attached.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, in the City of Montgomery, on this day.



December 6, 1988

DATE OF THIS REGISTRATION

Glen Browder

Glen Browder

SECRETARY OF STATE

T/S words "Paul W. Bryant Museum" imprinted below sketch of Coach Bryant

EXPIRATION DATE: December 6, 1998

#103820

Beth Chapman
Secretary of State

P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

I, Beth Chapman, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

as appears on file and of record in this office, the page hereto attached contain a true, accurate and literal copy of **Certificate of Registration** for the mark, "*Paul W. Bryant Museum*" and *Circle of Champions* received and filed in the Secretary of State Office on July 16, 1992 under Registration Number 105-422 to The Board of Trustees of The University of Alabama.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

November 6, 2008

Date

Beth Chapman

Beth Chapman

Secretary of State

STATE OF ALABAMA

I, Billy Joe Camp, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that University of Alabama Board of Trustee, an Alabama corporation, 401 Queen City Avenue, Tuscaloosa, AL 35487 has filed in this office, the necessary papers and information pursuant to Section 8-12-6 et seq, Code of Alabama, 1975, as last amended, to be entitled to the Legal Registration in Alabama, for a term of Ten Years ending July 16, 2002, of the following Trademark, First Used Anywhere April 11, 1992, and First Used in Alabama April 11, 1992 in Classification 025 for Clothing under Registration Number 105-422:



Circle of Champions



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

July 16, 1992

Date

Billy Joe Camp

Secretary of State



STATE OF ALABAMA

APPLICATION TO REGISTER
TRADEMARK, SERVICE MARK OR
TRADE NAME IN ALABAMA

105-422



1. Applicant: The Board of Trustees of the University of Alabama		2. The Applicant is: <input checked="" type="checkbox"/> a corporation (State of <u>Alabama</u>) <input type="checkbox"/> a partnership <input type="checkbox"/> an individual	
Street Address, City and County: 401 Queen City Avenue, Tuscaloosa Tuscaloosa County		State: Alabama Zip: 35487	Telephone: (205) 348-5230
3. If Partnership, list names and addresses of partners: N/A		4. Description of Mark as you want it registered: A print of Paul W. Bryant and the words "Paul W. Bryant Museum" and "Circle of Champions"	
5. Description of Goods, Services, Business: See Attached		6. Mode or Manner in which the Mark is used in connection with the goods, services, business: Imprinted on or applied to goods, labels, and/or containers of goods	
9. Disclaimer (if applicable). See Instructions. N/A		7. Classification: #25 - Clothing	8. This is a: <input checked="" type="checkbox"/> Trademark <input type="checkbox"/> Trade name <input type="checkbox"/> Service Mark
11a. Date first used anywhere: <u>April 11, 1992</u> in <u>Alabama</u>		11b. Date first used in Alabama: <u>April 11, 1992</u>	
12. Attached hereto are three (3) specimens or facsimiles of the Mark. 13. Attached hereto is the filing fee of thirty dollars payable to the Secretary of State. 14. I believe I am the owner of the Mark, a member of the firm or an officer of the corporation or association applying and no other person has the right to use such Trademark, Service Mark or Trade Name in Alabama, except as provided for in item 10 above, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor, § 8-12-8(a) (4), Code of Alabama, 1975, as amended.			
Name and Title <u>Robert A. Wright, Vice President for Financial Affairs & Treasurer</u> COUNTY OF <u>Tuscaloosa</u>		Signature <u>Robert A. Wright</u> STATE OF <u>Alabama</u>	
I, <u>Robert A. Wright</u> , being first duly sworn, depose and say that I am the applicant herein, or a member of the firm or an officer of the corporation or association applying, that I have the authority to make this affidavit and verification and that I have read the above and foregoing application and know the contents thereof, and that the facts set out therein are true. I further depose and say that the three specimens or facsimiles filed herewith are true and correct.			
Subscribed and sworn to before me this, <u>8th</u> day of <u>June</u> , 19 <u>92</u> . <u>5/25/93</u>		Signature <u>Robert A. Wright</u> <u>Donna H. Duff</u> Notary Public's Signature	
My Commission expires:			

Beth Chapman
Secretary of State

P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

I, Beth Chapman, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

as appears on file and of record in this office, the page hereto attached contain a true, accurate and literal copy of **Certificate of Registration** for the mark, "*Paul W. Bryant Museum*" and *Circle of Champions* received and filed in the Secretary of State Office on July 16, 1992 under Registration Number 105-421 to The Board of Trustees of The University of Alabama.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

November 6, 2008

Date

Beth Chapman

Beth Chapman

Secretary of State

STATE OF ALABAMA

I, Billy Joe Camp, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that University of Alabama Board of Trustee, an Alabama corporation, 401 Queen City Avenue, Tuscaloosa, AL 35487 has filed in this office, the necessary papers and information pursuant to Section 8-12-6 et seq, Code of Alabama, 1975, as last amended, to be entitled to the Legal Registration in Alabama, for a term of Ten Years ending July 16, 2002, of the following Service Mark, First Used Anywhere April 11, 1992, and First Used in Alabama April 11, 1992 in Classification 041 for Education and Entertainment under Registration Number 105-421:



Circle of Champions



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

July 16, 1992

Date

Billy Joe Camp

Secretary of State



STATE OF ALABAMA

APPLICATION TO REGISTER TRADEMARK, SERVICE MARK OR TRADE NAME IN ALABAMA

105 421



1. Applicant: The Board of Trustees of the University of Alabama		2. The Applicant is: <input checked="" type="checkbox"/> a corporation (State of <u>Alabama</u>) <input type="checkbox"/> a partnership <input type="checkbox"/> an individual	
Street Address, City and County: 401 Queen City Avenue, Tuscaloosa Tuscaloosa County		State: Alabama Zip: 35487	Telephone: (205) 348-5230
3. If Partnership, list names and addresses of partners: N/A		4. Description of Mark as you want it registered: A print of Paul W. Bryant and the words "Paul W. Bryant Museum" and "Circle of Champions"	
5. Description of Goods, Services, Business: Seminars, Tours, Receptions, Video Tapes, Lectures, Audio Tapes		6. Mode or Manner in which the Mark is used in connection with the goods, services, business: Imprinted upon advertising material for seminars, tours as well as the containers for video and audio tapes.	
		7. Classification: #41 Education and Entertainment	8. This is a: <input type="checkbox"/> Trademark <input type="checkbox"/> Trade name <input checked="" type="checkbox"/> Service Mark
9. Disclaimer (if applicable). See Instructions. N/A		10. Consent (if applicable). See Instructions. Give name and address of owner of existing mark and attach hereto letter of consent. N/A - Any previously registered Alabama trademarks that are depicted within this trademark are owned by the applicant	
11a. Date first used anywhere: April 11, 1992 in Alabama		11b. Date first used in Alabama: April 11, 1992	

12. Attached hereto are three (3) specimens or facsimiles of the Mark.

13. Attached hereto is the filing fee of thirty dollars payable to the Secretary of State.

14. I believe I am the owner of the Mark, a member of the firm or an officer of the corporation or association applying and no other person has the right to use such Trademark, Service Mark or Trade Name in Alabama, except as provided for in item 10 above, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor, § 8-12-8(a)(4), Code of Alabama, 1975, as amended.

Name and Title Robert A. Wright, Vice President for Financial Affairs & TreasurerSignature Robert A. WrightCOUNTY OF TuscaloosaSTATE OF Alabama

I, Robert A. Wright, being first duly sworn, depose and say that I am the applicant herein, or a member of the firm or an officer of the corporation or association applying, that I have the authority to make this affidavit and verification and that I have read the above and foregoing application and know the contents thereof, and that the facts set out therein are true. I further depose and say that the three specimens or facsimiles filed herewith are true and correct.

Subscribed and sworn to before me this, 8th day of June, 1992.

5/25/93
My Commission expires:

Signature Robert A. Wright
Parula H. Griffin
Notary Public's Signature

Beth Chapman
Secretary of State

P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

I, Beth Chapman, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

as appears on file and of record in this office, the page hereto attached contain a true, accurate and literal copy of **Certificate of Registration** for the mark, "*Paul W. Bryant Museum*" and *Circle of Champions* received and filed in the Secretary of State Office on July 16, 1992 under Registration Number 105-419 to The Board of Trustees of The University of Alabama.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

November 6, 2008

Date

Beth Chapman

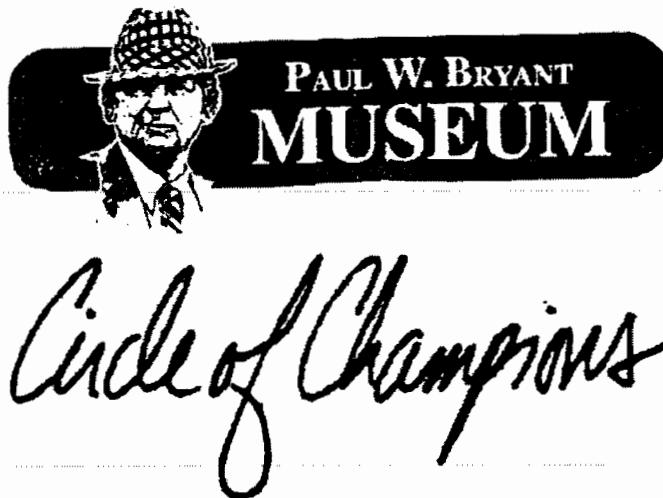
Beth Chapman

Secretary of State



STATE OF ALABAMA

I, Billy Joe Camp, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that University of Alabama Board of Trustees, an Alabama corporation, 401 Queen City Avenue, Tuscaloosa, AL 35487 has filed in this office, the necessary papers and information pursuant to Section 8-12-6 et seq, Code of Alabama, 1975, as last amended, to be entitled to the Legal Registration in Alabama, for a term of Ten Years ending July 16, 2002, of the following Trademark, First Used Anywhere April 11, 1992, and First Used in Alabama April 11, 1992 in Classification 016 for Printed Materials under Registration Number 105-419:



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

July 16, 1992

Date

Billy Joe Camp

Secretary of State



STATE OF ALABAMA

APPLICATION TO REGISTER TRADEMARK, SERVICE MARK OR TRADE NAME IN ALABAMA

105-419



1. Applicant: The Board of Trustees of the University of Alabama		2. The Applicant is: <input checked="" type="checkbox"/> a corporation (State of <u>Alabama</u>) <input type="checkbox"/> a partnership <input type="checkbox"/> an individual	
Street Address, City and County: 401 Queen City Avenue, Tuscaloosa Tuscaloosa County		State: Alabama Zip: 35487	Telephone: (205) 348-5230
3. If Partnership, list names and addresses of partners: N/A		4. Description of Mark as you want it registered: A print of Paul W. Bryant and the words "Paul W. Bryant Museum" and "Circle of Champions"	
5. Description of Goods, Services, Business: Brochures, Posters, Calendars, Books, Advertising Materials		6. Mode or Manner in which the Mark is used in connection with the goods, services, business: Imprinted on or applied to goods, labels, and/or containers of goods	
9. Disclaimer (if applicable). See Instructions. N/A		7. Classification: #016 Printed Materials	
		8. This is a: <input checked="" type="checkbox"/> Trademark <input type="checkbox"/> Trade name <input type="checkbox"/> Service Mark	
		10. Consent (if applicable). See Instructions. Give name and address of owner of existing mark and attach hereto letter of consent. N/A - Any previously registered Alabama trademarks that are depicted within this trademark are owned by the applicant.	
11a. Date first used anywhere: April 11, 1992 in Alabama		11b. Date first used in Alabama: April 11, 1992	
12. Attached hereto are three (3) specimens or facsimiles of the Mark. 13. Attached hereto is the filing fee of thirty dollars payable to the Secretary of State. 14. I believe I am the owner of the Mark, a member of the firm or an officer of the corporation or association applying and no other person has the right to use such Trademark, Service Mark or Trade Name in Alabama, except as provided for in item 10 above, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor, § 8-12-8(a)(4), Code of Alabama, 1975, as amended.			
Name and Title Robert A. Wright, Vice President for Financial Affairs & Treasurer		Signature	
COUNTY OF Tuscaloosa		STATE OF Alabama	
I, Robert A. Wright , being first duly sworn, depose and say that I am the applicant herein, or a member of the firm or an officer of the corporation or association applying, that I have the authority to make this affidavit and verification and that I have read the above and foregoing application and know the contents thereof, and that the facts set out therein are true. I further depose and say that the three specimens or facsimiles filed herewith are true and correct.			
Subscribed and sworn to before me this, <u>8th</u> day of <u>June</u> , 19 <u>92</u>		Signature	
<u>5/25/93</u> My Commission expires:		 Notary Public's Signature	

Exhibit 2

United States of America

United States Patent and Trademark Office



Reg. No. 3,955,150
Registered May 3, 2011

Int. Cl.: 16

TRADEMARK

PRINCIPAL REGISTER

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA (ALABAMA CORPORATION)
BOX 870102, 401 QUEEN CITY AVENUE
TUSCALOOSA, AL 354870102

FOR: PAPER ARTICLES, NAMELY, ATHLETIC PROGRAMS, EVENT PROGRAMS, MEDIA GUIDES, PRESS GUIDES, SCHOOL YEARBOOKS, POSTERS, ATHLETIC SCHEDULES, GAME TICKETS; BROCHURES, NEWSLETTERS, MAGAZINES, AND PAMPHLETS IN THE FIELD OF TOPICS OF GENERAL INTEREST TO UNIVERSITY STUDENTS, FANS, AND ALUMNI, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1961; IN COMMERCE 0-0-1961.

THE MARK CONSISTS OF THE TRADE DRESS COMPRISING THE COLOR COMBINATION OF A CRIMSON RED HELMET WITH WHITE NUMBERS, WITH THE WHITE NUMBERS APPEARING ON THE SIDES OF THE HELMET JUST ABOVE THE EAR HOLES AND THE CRIMSON RED COVERING THE ENTIRE OUTER SURFACE OF THE HELMET. THE WHITE STRIPE RUNNING FROM FRONT TO BACK ALONG THE CENTER OF THE HELMET IS ALSO A PART OF THE MARK. THE BROKEN LINES OF THE DRAWING SHOW THE POSITION OF THE COLORS AND THE NUMBERS ON THE GOODS AND FORM NO PART OF THE MARK, SERVING AS A POSITIONAL REFERENCE ONLY. THE HELMET, INCLUDING THE FACEMASK, AND THE BLACK SHADING REPRESENTING THE INTERIOR OF THE HELMET, FORM NO FEATURE THE MARK.

THE COLOR(S) CRIMSON RED AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SEC. 2(F).

SER. NO. 85-975,048, FILED 5-19-2010.

HANNO RITTNER, EXAMINING ATTORNEY

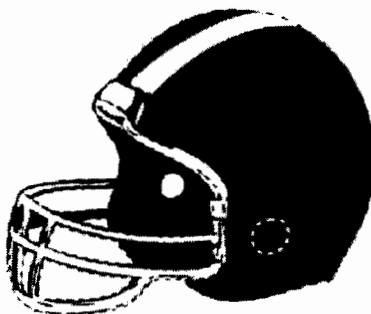


David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,030,682

Registered Sep. 27, 2011

Int. Cls.: 9 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA (ALABAMA CORPORATION)
BOX 870102, 401 QUEEN CITY AVENUE
TUSCALOOSA, AL 354870102

FOR: SPORTS HELMETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1984; IN COMMERCE 0-0-1984.

FOR: ENTERTAINMENT AND EDUCATIONAL SERVICES, NAMELY, PROVIDING COURSES OF INSTRUCTION AT THE UNIVERSITY LEVEL; EDUCATIONAL RESEARCH; ARRANGING AND CONDUCTING ATHLETIC COMPETITIONS, EVENTS, TOURNAMENTS, AND EXHIBITIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1961; IN COMMERCE 0-0-1961.

THE MARK CONSISTS OF THE TRADE DRESS COMPRISING THE COLOR COMBINATION OF CRIMSON RED AND WHITE, THE CRIMSON RED AS APPLIED TO THE OUTER SURFACE OF THE HELMET AND THE WHITE AS A STRIPE RUNNING FROM FRONT TO BACK ALONG THE CENTER OF THE HELMET. THE BROKEN LINES OF THE DRAWING FORM NO PART OF THE MARK, SERVING AS A POSITIONAL REFERENCE ONLY. THE HELMET, INCLUDING THE FACEMASK, AND THE BLACK SHADING REPRESENTING THE INTERIOR OF THE HELMET, FORM NO FEATURE THE MARK.

THE COLOR(S) CRIMSON RED AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SEC. 2(F).

SER. NO. 85-042,346, FILED 5-19-2010.

HANNO RITTNER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit 3



United States Patent and Trademark Office

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TESS was last updated on Wed Sep 18 03:10:26 EDT 2013

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Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	HOUNDSTOOTH MAFIA
Goods and Services	IC 025. US 022 039. G & S: shirts, hats. FIRST USE: 20070901. FIRST USE IN COMMERCE: 20070901
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.21 - Rectangles that are completely or partially shaded 26.13.21 - Quadrilaterals that are completely or partially shaded
Serial Number	77342852
Filing Date	December 3, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 24, 2008
Owner	(APPLICANT) Blackburn, Christopher INDIVIDUAL UNITED STATES #439 686 Lee Rd. Salem ALABAMA 36874 (APPLICANT) Pitts, William, Jr. INDIVIDUAL UNITED STATES #439 686 Lee Rd. Salem ALABAMA 36874
Attorney of Record	Jerry L. Watts
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOUNDSTOOTH" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the stylized words "Houndstooth Mafia".
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP
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PTO Form 1472 (Rev. 9/2006)

CAAD No. 0001-0000 (Exp. 12/31/2008)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77342852

Filing Date: 12/03/2007

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>\\TICRS2\EXPORT14\773\428</u> <u>\77342852.xml\1\FTK0002.JP G</u>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Houndstooth Mafia
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized words "Houndstooth Mafia".
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	543 x 433
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Pitts Jr., William
*STREET	686 Lee Rd.
INTERNAL ADDRESS	#439
*CITY	Salem

*STATE (Required for U.S. applicants)	Alabama
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	36874
PHONE	(334) 297-9043
FAX	(706) 682-6619
EMAIL ADDRESS	bpcfd@aol.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
APPLICANT INFORMATION	
*OWNER OF MARK	Blackburn, Christopher
*STREET	686 Lee Rd.
INTERNAL ADDRESS	#439
*CITY	Salem
*STATE (Required for U.S. applicants)	Alabama
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	36874
PHONE	(334) 297-9043
FAX	(706) 682-6619
EMAIL ADDRESS	bpcfd@aol.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	025
FIRST USE ANYWHERE DATE	At least as early as 09/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 09/01/2007

*IDENTIFICATION	Pants
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 09/01/2007
SPECIMEN FILE NAME(S)	<u>\\TICRS2\EXPORT14\773\428 77342852.xml1\FTK0003.JP G</u>
SPECIMEN DESCRIPTION	Digital image of a shirt currently used in commerce
*IDENTIFICATION	Shirts
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 09/01/2007
SPECIMEN FILE NAME(S)	<u>\\TICRS2\EXPORT14\773\428 77342852.xml1\FTK0003.JP G</u>
SPECIMEN DESCRIPTION	Digital image of a shirt currently used in commerce
*IDENTIFICATION	Shoes
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 09/01/2007
SPECIMEN FILE NAME(S)	<u>\\TICRS2\EXPORT14\773\428 77342852.xml1\FTK0003.JP G</u>
SPECIMEN DESCRIPTION	Digital image of a shirt currently used in commerce
*IDENTIFICATION	Undergarments
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 09/01/2007
SPECIMEN FILE NAME(S)	<u>\\TICRS2\EXPORT14\773\428 77342852.xml1\FTK0003.JP G</u>
SPECIMEN DESCRIPTION	Digital image of a shirt currently used in commerce
ADDITIONAL STATEMENTS SECTION	

*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Pitts Jr., William
*STREET	686 Lee Rd.
INTERNAL ADDRESS	#439
*CITY	Salem
*STATE (Required for U.S. applicants)	Alabama
*COUNTRY	United States
*ZIP/POSTAL CODE	36874
PHONE	(334) 297-9043
FAX	(706) 682-6619
*EMAIL ADDRESS	bpcfd@aol.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Linda Parkinson-Pitts/
* SIGNATORY'S NAME	Linda Parkinson-Pitts
* SIGNATORY'S POSITION	Authorized Signatory
* DATE SIGNED	12/03/2007

PTO Form 1147a (Rev. 12/2006)
CMB No. 0851-0860 (Exp. 12/31/2008)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77342852

Filing Date: 12/03/2007

To the Commissioner for Trademarks:

MARK: Houndstooth Mafia (stylized and/or with design, see mark)

The literal element of the mark consists of Houndstooth Mafia.

The mark consists of the stylized words "Houndstooth Mafia".

The applicants, William Pitts Jr., a citizen of United States, having an address of

#439,

686 Lee Rd.

Salem, Alabama 36874

United States Christopher Blackburn, a citizen of United States, having an address of

#439,

686 Lee Rd.

Salem, Alabama 36874

United States

request registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 025: Pants; Shirts; Shoes; Undergarments

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 025, the mark was first used at least as early as 09/01/2007, and first used in commerce at least as early as 09/01/2007, and is now in use in such commerce. The applicants are submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Digital image of a shirt currently used in commerce.

Specimen File 1

Correspondence Information: Pitts Jr., William

#439

686 Lee Rd.
Salem, Alabama 36874
(334) 297-9043(phone)
(706) 682-6619(fax)
bpcfd@aol.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Linda Parkinson-Pitts/ Date Signed: 12/03/2007
Signatory's Name: Linda Parkinson-Pitts
Signatory's Position: Authorized Signatory

RAM Sale Number: 3072
RAM Accounting Date: 12/04/2007

Serial Number: 77342852
Internet Transmission Date: Mon Dec 03 17:46:33 EST 2007
TEAS Stamp: USPTO/FTK-204.94.57.34-20071203174633664
219-77342852-40065d37e5aede30a1d0e74783
1e3d149-DA-3072-20071121135445638596







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HOUNDSTOOTH MAFIA

Word Mark	HOUNDSTOOTH MAFIA
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Bumper stickers; Magnetic bumper stickers; Stickers; Stickers and transfers
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86022067
Filing Date	July 29, 2013
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Houndstooth Mafia Enterprises, LLC LIMITED LIABILITY COMPANY GEORGIA 485 Lee Road 581 Smiths Station ALABAMA 36867
Attorney of Record	Jerry L. Watts
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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PTO Form 1470 (Rev. 8/2006)

OMB No. 0951-0002 (Exp. 12/31/2014)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86022067

Filing Date: 07/29/2013

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>HOUNDSTOOTH MAFIA</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	HOUNDSTOOTH MAFIA
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Houndstooth Mafia Enterprises, LLC
*STREET	485 Lee Road 581
*CITY	Smiths Station
*STATE (Required for U.S. applicants)	Alabama
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	36867
PHONE	334-520-6433
LEGAL ENTITY INFORMATION	

*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Georgia
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	016
*IDENTIFICATION	Bumper stickers; Magnetic bumper stickers; Stickers; Stickers and transfers
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Jerry L. Watts
FIRM NAME	Page, Scrantom, Sprouse, Tucker & Ford, P.C.
INTERNAL ADDRESS	Third Floor
STREET	1111 Bay Avenue
CITY	Columbus
STATE	Georgia
COUNTRY	United States
ZIP/POSTAL CODE	31901
PHONE	7062435624
EMAIL ADDRESS	jlw@psstf.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Jerry L. Watts

FIRM NAME	Page, Scrantom, Sprouse, Tucker & Ford, P.C.
INTERNAL ADDRESS	Third Floor
*STREET	1111 Bay Avenue
*CITY	Columbus
*STATE (Required for U.S. applicants)	Georgia
*COUNTRY	United States
*ZIP/POSTAL CODE	31901
PHONE	7062435624
*EMAIL ADDRESS	jlw@psstf.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Jerry L. Watts/
* SIGNATORY'S NAME	Jerry L. Watts
* SIGNATORY'S POSITION	Attorney of record, Georgia Bar member
SIGNATORY'S PHONE NUMBER	706-243-5624
* DATE SIGNED	07/29/2013

PTO Form 1472 (Rev. 5/2006)
OMB No. 0651-0008 (Exp. 12/31/2014)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86022067

Filing Date: 07/29/2013

To the Commissioner for Trademarks:

MARK: HOUNDSTOOTH MAFIA (Standard Characters, see mark)

The literal element of the mark consists of HOUNDSTOOTH MAFIA.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Houndstooth Mafia Enterprises, LLC, a limited liability company legally organized under the laws of Georgia, having an address of

485 Lee Road 581

Smiths Station, Alabama 36867

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 016: Bumper stickers; Magnetic bumper stickers; Stickers; Stickers and transfers

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Jerry L. Watts of Page, Scrantom, Sprouse, Tucker & Ford, P.C.

Third Floor

1111 Bay Avenue

Columbus, Georgia 31901

United States

The applicant's current Correspondence Information:

Jerry L. Watts

Page, Scrantom, Sprouse, Tucker & Ford, P.C.

Third Floor

1111 Bay Avenue

Columbus, Georgia 31901
7062435624(phone)
jlw@psstf.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Jerry L. Watts/ Date Signed: 07/29/2013
Signatory's Name: Jerry L. Watts
Signatory's Position: Attorney of record, Georgia Bar member

RAM Sale Number: 86022067
RAM Accounting Date: 07/29/2013

Serial Number: 86022067
Internet Transmission Date: Mon Jul 29 11:23:31 EDT 2013
TEAS Stamp: USPTO/FTK-76.73.199.106-2013072911233174
3908-86022067-500e681189ec69010ca5212719
449b49cc260aee824435f56aa50f070c69736d59
2-CC-9523-20130729111512605459

HOUNDSTOOTH MAFIA